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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,129	08/16/2001	Toru Shibusawa	042204	1252

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WASHINGTON, DC 20036

EXAMINER
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TSE, YOUNG TOI

ART UNIT	PAPER NUMBER
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2611

MAIL DATE	DELIVERY MODE
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05/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/930,129

Applicant(s)

SHIBUSAWA, TORU

Examiner

YOUNG T. TSE

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2207 and 15 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5-21 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 1-21 in the reply filed on February 28, 2007 is acknowledged.

### ***Response to Arguments***

2. Applicant's arguments, see pages 8-12, filed November 15, 2006, with respect to the rejection(s) of claim(s) 1-2 and 22 under 35 U.S.C. §103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Shigihara et al. and Cugnini et al..

### ***Claim Objections***

3. Claims 2-4 are objected to because of the following informalities: in claim 2 (line 2) and claims 3 and 4 (line 3), the term "by at least one of" should be "by the at least one of" for clarity. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5-8 and 13-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 3 of claims 5-8 and line 3 of claims 13-20, the terms "the viewing of broadcasting" and "the report" both lack antecedent basis.

In claim 21, lines 3-4, the term "a controller for ... each broadcasting wave by said detector" is not understood since the detector for detecting the receiving condition of a broadcasting wave. Further, in the last line of claim 21, the circuit lacks connection or cooperation with any of the precedent claimed element(s).

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2 and 5-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Cugnini et al. U.S. Patent No. 6,389,070 (hereinafter "Cugnini").

Cugnini discloses a television receiver shown in Figure 1 comprising a front end 12, an amplifier 14, an A/D converter 16, a VSB demodulator 18, an equalizer 20, an

audio signal processor 22, a speaker 24, a video signal processor 26, a display 28, and a quality signal processor 30. Fig. 3 shows a detailed block diagram of the quality signal processor 30 and Figs. 5 and 6 show a detailed block diagram of the VSB demodulator 18 of Fig. 1. See col. 3, line 61 to col. 4, line 27 and col. 4, lines 43-61.

Regarding claims 1 and 2, the television receiver comprises a detector (18 or 30 or the combination of 18 and 30) for detecting a receiving condition of a broadcasting wave and a receiving condition reporting means (26, 28, 30) for reporting by at least a video that the receiving condition is degraded in a state where a degradation of the receiving condition of the broadcasting wave has not exceeded an error correctable range and changing the report by the at least one video depending on a degree of the degradation of the receiving condition of the broadcasting wave.

Regarding claims 5-12, the receiving condition reporting means is operated for a predetermined time period at predetermined timing from the time when the viewing of broadcasting is started to the time when it is terminated, and the predetermined time period is adjusted by user setting. See col. 7, lines 20-30.

Regarding claims 13-20, when a state where the receiving condition of the broadcasting wave is worse than a predetermined level occurs continuously during said predetermined time period, the report is made in excess of said predetermined time period. See col. 3, line 61 to col. 4, line 27.

8. Claim 21 is rejected under 35 U.S.C. 102(a) as being anticipated by Shigihara et al. U.S. Patent No. 5,966,186 (hereinafter "Shigihara").

Shigihara discloses a digital broadcast receiving device 4 shown in Fig. 1b for receiving broadcasting signals from a broadcasting station 1 through a broadcasting relay satellite 2 and an receiving antenna equipment 3 to provide audio and video outputs to a television receiver 5. The digital broadcast receiving device 4 comprises a channel selecting circuit 7, a QPSK demodulating circuit 8, an error detecting/correcting circuit 9, a descrambling circuit 10, a data separating circuit 11, a digital expanding circuit 12, an NTSC converting circuit 13, an audio converting circuit 14, a controlling part 15, a remote control photo receiving part 16, a front button 17, and a front indicator 18. Fig. 5 shows a TV screen indicating example of an antenna level displayed by using AGC voltage from the AGC circuit entered to the controlling part 15. Fig. 6 shows an example of the indication of the antenna level and the digital signal quality indicated on the indicator 18. Figs. 7 through 11 show the processing operation of the receiving signal quality of the controlling part 15. See col. 8, line 24 to col. 9, line 52.

Regarding claim 21, the digital broadcast receiving device 4 comprises a detector (9) for detecting the receiving condition of a broadcasting wave; a controller (15) for automatically detecting the receiving condition for each broadcasting wave by said detector at the time of adjusting an antenna and storing the results of the detection in a memory (col. 11, lines 36-52); a comparator (9) for detecting the receiving condition of the broadcasting wave during viewing by said detector after adjusting the antenna and comparing the results of the detection after adjusting the antenna and the results of the detection stored in said memory with each other; a judging means (15) for judging whether or not the receiving condition of the broadcasting wave is liable to be degraded

Art Unit: 2611

on the basis of the results of the comparison; a receiving condition reporting means (5, 13-15 and 18) for reporting, when it is judged that the receiving condition is liable to be degraded, the judgment by at least one of video and audio; and a circuit (9) having an error correcting function for a demodulated digital signal.

***Allowable Subject Matter***

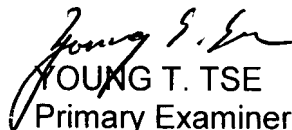
9. Claims 2 and 3 would be allowable if rewritten to overcome the objection(s) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUNG T. TSE whose telephone number is (571) 272-3051. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
YOUNG T. TSE  
Primary Examiner  
Art Unit 2611